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OFFICE OF PETITIONS

In re Patent No. 6,049,910 :
Issue Date: April 18, 2000 :
Application No. 09/294,528 : DECISION ON PETITION
Filed: April 19, 1999 :
Title: Athletic Training Glove :
:

This is a decision on the paper filed April 15, 2010.

The petition is DISMISSED.

The above-identified patent issued on April 18, 2000. Therefore, the window for paying the second maintenance fee extended from April 18, 2007 to October 18, 2007 without surcharge, and from October 19, 2007 to April 18, 2008, with surcharge. No maintenance fee and surcharge having been received in full on or before April 18, 2008, the patent expired on April 19, 2008. The two year deadline for filing a petition to accept the unintentionally delayed payment of the maintenance fee expired on April 18, 2010.

Petitioner requests a "grace period" to allow him to file a petition to accept the unintentionally delayed payment of the maintenance fee beyond two years after expiration. However, as the two year deadline is set by statute, it can not be waived.

The patent has been expired for more than two years. As such, petitioner's only remedy to accept the late payment of the maintenance fee is to file a petition under 37 CFR 1.378(b).

37 CFR 1.378(b) provides that:

Any petition to accept an unavoidably delayed payment of a maintenance fee must include:

- (1) The required maintenance fee set forth in §1.20(e) through (g) (previously submitted);
- (2) The surcharge set forth in §1.20(i)(1) (currently \$700); and
- (3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

Further correspondence should be addressed as follows:

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Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3207.



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